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FISCAL IMPACT STATEMENT

LS 6610

BILL NUMBER: SB 175

NOTE PREPARED: May 6, 2005

BILL AMENDED: Feb 17, 2005

SUBJECT: Home Detention Monitoring Devices.

FIRST AUTHOR: Sen. Dillon

FIRST SPONSOR: Rep. Neese

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

(A) The bill changes the definition of "monitoring device" to include a device that can:

- (1) record information 24 hours a day regarding an offender's location;
- (2) track where an offender has been; and
- (3) notify the appropriate agency if an offender violates a home detention order.

(B) The bill requires a probation department or community corrections program that monitors an offender on home detention to:

- (1) maintain constant supervision of the offender; and
- (2) have staff available at all times to respond if the offender violates a home detention order.

(C) The bill requires a sex offender or violent offender on home detention to use a monitoring device that can determine the offender's precise location.

(D) The bill makes a technical change correcting the definition of "violent offender" for purposes of home detention.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill could increase the costs for monitoring violent and sex offenders on home detention. Also, the bill may require probation departments and community correction programs to change the way that violent and sex offenders are monitored if these offenders on home detention must be monitored constantly. If a probation department or community corrections program is not adequately staffed to provide constant supervision, then the department or program may be required to add staff to allow for monitoring and response or provide for more flexible working schedules.

As an example of the difference in cost for contracted surveillance, in Marion County the daily cost of a radio frequency device that monitors offenders in their homes is \$1.30, while the cost of a global positioning satellite system is \$5.00 per day for passive surveillance and \$10.00 per day for active, or 24-hour, surveillance. Probation departments or community corrections programs may require offenders to reimburse the costs of surveillance to the extent that offenders are able to pay.

Certain counties that currently offer home monitoring may not be able to offer constant surveillance because systems that provide 24-hour surveillance may not function in all areas of the state. There are no data available to identify which programs may be affected, nor are there data to indicate if courts would change sentencing patterns because of changes in statute. If home detention is not available, violent offenders may be sentenced to probation without home detention or incarcerated for longer periods.

Background: Based on release data, on average between 2002 and 2004, 5,329 offenders a year are released from a state prison facility to probation. Of these offenders, on average, 657 or about 12% may be considered violent offenders based on the primary offense for which they were incarcerated. There are no data available to indicate how many of these violent offenders released to probation are placed on home monitoring.

The violent offenders were returned to about 83 counties, rather than to each of the 92 counties in Indiana. Not all counties offer home monitoring. The majority of offenders returned to Marion County (about 140 annually) which does offer home monitoring.

Under current law, an offender sentenced to home detention can be either with or without electronic monitoring. Electronic monitoring, as defined in current statute, is limited to transmitting a radio frequency from the offender's home. The following changes are proposed in this bill that would affect the way that home detention programs are operated.

<u>Provision</u>	<u>Current Law</u>	<u>Proposed</u>
Contract Agency	Not Defined	Agency or company that contracts with community corrections program or probation department to supervise offenders with monitoring device
Monitoring Device	Limited to determining whether offender is present or absent from home	Can record or transmit the offender's presence or absence from home or precise location 24 hours a day; includes a global positioning device
Supervision of offender	Constant supervision of sex offenders with staff available 24 hours per day to respond to violations	In addition, requires the use of surveillance equipment and monitoring device that can transmit offenders exact position 24 hours a day
Contacting Comm. Corr. Agency or Probation Dept. When Home Detention Violation is Detected	Not specified	Contract agency must contact comm. corr. agency or probation dept. within one hour when home detention violation is detected

Currently, several probation departments and community corrections agencies use global positioning satellite services to monitor offenders on home detention. These programs are technically out of compliance with current law, and this bill would allow these programs to continue legally.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Courts, Probation Departments, Community Corrections Agencies.

Information Sources: *Indiana Home Detention Reports, 2000 - 2001*, Brian Barton, President, Indiana Association of Community Corrections Act Counties; Department of Corrections.

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